

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

|                                    |                           |
|------------------------------------|---------------------------|
| IN RE:                             | CASE NUMBER: 11-03652 BKT |
| EVELYN VALENTIN CABAN<br>DEBTOR(S) | CHAPTER 13 ASSET CASE     |

**DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE**

**THE HONORABLE COURT:**

**COMES NOW,** Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. In order to include debtor's class suit against Schering Plough Products in other provision and provide for the court to retain jurisdiction over same.

3. Debtor (s) amend plan call sixty (60) payments of \$400.00 for a total base of \$24,000.00 dollars with a provision for the payment to paid in full to Borinquen Community Federal, account ending number-4242.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

**WHEREFORE,** Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

**NOTICE**

"Parties in interest are notified they have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificate of service by the movant that adequate notice was given. Should an opposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 8<sup>th</sup>, day of *September 2011*

**RESPECTFULLY SUBMITTED.**

/s/ **Marilyn Valdes Ortega**  
**MARILYN VALDES ORTEGA**  
USDC PR 214711  
P.O. Box 19559  
San Juan, PR 00919-5596  
Tel. (787) 758-4400  
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**United States Bankruptcy Court  
District of Puerto Rico**

**IN RE:**

**VALENTIN CABAN, EVELYN**

Debtor(s)

Case No. **11-03652-BKT**

**Chapter 13**

**CHAPTER 13 PAYMENT PLAN**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee  directly  by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

|   |        |  |        |      |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
|---|--------|--|--------|------|-----------|------|-----------|----|--|---|--|------|--|----|--|---|--|------|--|----|--|---|--|------|--|----|--|---|--|------|--|---|--|
| PLAN DATED: _____   |        | <input checked="" type="checkbox"/> AMENDED PLAN DATED: <i>8/5 Sept/09/11</i>  |        |      |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
| <input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION   |        | Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other |        |      |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
| <b>I. PAYMENT PLAN SCHEDULE</b><br><br><table style="width: 100%; border-collapse: collapse;"> <tr><td>\$</td><td>400.00</td><td>x</td><td>60</td><td>= \$</td><td>24,000.00</td></tr> <tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr> <tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr> <tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr> <tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr> </table><br>TOTAL: \$ <b>24,000.00</b> |        | \$   | 400.00 | x    | 60        | = \$ | 24,000.00 | \$ |  | x |  | = \$ |  | \$ |  | x |  | = \$ |  | \$ |  | x |  | = \$ |  | \$ |  | x |  | = \$ |  | <b>II. DISBURSEMENT SCHEDULE</b><br><br>A. ADEQUATE PROTECTION PAYMENTS OR \$<br>B. SECURED CLAIMS:<br><input type="checkbox"/> Debtor represents no secured claims.<br><input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:<br>1. <input type="checkbox"/> Trustee pays secured ARREARS:<br>Cr. _____ Cr. _____ Cr. _____<br># _____ # _____ # _____<br>\$ _____ \$ _____ \$ _____<br>2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims:<br>Cr. <b>BORINQUEN COMM</b> Cr. _____ Cr. _____<br># <b>4342</b> # _____ # _____<br>\$ <b>16,396.90</b> \$ _____ \$ _____<br>3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL:<br>Cr. _____ Cr. _____ Cr. _____<br># _____ # _____ # _____<br>\$ _____ \$ _____ \$ _____<br>4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder:<br><br>5. <input type="checkbox"/> Other:<br><br>6. <input type="checkbox"/> Debtor otherwise maintains regular payments directly to:<br><br>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.<br>11 U.S.C. § 507 and § 1322(a)(2)<br>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.<br>1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other:<br><input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other:<br>Cr. _____ Cr. _____ Cr. _____<br># _____ # _____ # _____<br>\$ _____ \$ _____ \$ _____<br>2. Unsecured Claims otherwise receive PRO-RATA disbursements.<br><br>OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)<br>See Continuation Sheet |  |
| \$  | 400.00 | x  | 60     | = \$ | 24,000.00 |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
| \$  |        | x  |        | = \$ |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
| \$  |        | x  |        | = \$ |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
| \$  |        | x  |        | = \$ |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
| \$  |        | x  |        | = \$ |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
| Additional Payments:<br>\$ _____ to be paid as a LUMP SUM<br>within _____ with proceeds to come from:<br><br><input type="checkbox"/> Sale of Property identified as follows:<br><br><input type="checkbox"/> Other:<br><br>Periodic Payments to be made other than, and in addition to the above:<br>\$ _____ x _____ = \$ _____<br><br>PROPOSED BASE: \$ <b>24,000.00</b>   |        |  |        |      |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
| <b>III. ATTORNEY'S FEES</b><br>(Treated as § 507 Priorities)<br><br>Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <b>2,845.00</b><br><br><i>Additional fees \$350<br/>Total \$3,195<br/>Evelyn Valentin-Caban</i>  |        |  |        |      |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |
| Signed: <b>/s/ EVELYN VALENTIN CABAN</b><br>Debtor<br><br>Joint Debtor  |        |  |        |      |           |      |           |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |    |  |   |  |      |  |   |  |

Attorney for Debtor **Marilyn Valdes Ortega Law Offices**

Phone: (787) 758-4400

Debtor(s)

**CHAPTER 13 PAYMENT PLAN**  
**Continuation Sheet - Page 1 of 2****Executory Contracts - Assumed:****FRANCISCO SEISE**

Cr # \$

**CHAPTER 13 PAYMENT PLAN**  
**Continuation Sheet - Page 2 of 2**

**TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR 11 USC 330.**

**FAILURE TO TIMELY OBJECT TO THIS PLAN CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT UNDER 11 USC 1325(a)(5).**

**INSURANCE TO BORINQUEN COMMUNITY FEDERAL THROUGH EASTERN AMERICA INSURANCE CO. AT THE END OF SALES CONTRACT IN THE APPROXIMATE AMOUNT OF 500.00 DISBURSEMENT TO EASTERN AMERICA INSURANCE TO BEGIN AT END OF THE SALES CONTRACT ON**

**ADEQUATE PROTECTION PAYMENT TO BORINQUEN COMMUNITY FEDERAL UNTIL CONFIRMATION \$50.00 TO BE PAID BY TRUSTEE MONTHLY.**

**THE COURT RETAINS JURIDCTION OVER DEBTOR'S CLASS ACTION SUIT AGAINST SCHERING PLOUGH PRODUCTS, INC.**

**I HEREBY CERTIFY:** That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

**11-03652-BKT13 Notice will be electronically mailed to:**

JOSE RAMON CARRION MORALES  
newecfmail@ch13-pr.com

MONSITA LECAROZ ARRIBAS  
ustpregion21.hr.ecf@usdoj.gov

MARILYN VALDES ORTEGA on behalf of Debtor EVELYN VALENTIN CABAN  
valdeslaw@prtc.net

**I HEREBY CERTIFY:** That I have mailed by regular mail to all creditors listed.

**11-03652-BKT13 Notice will not be electronically mailed to:**

BORINQUEN COMMUNITY FEDERAL  
PO BOX 250474  
AGUADILLA, PR 00604-0474

MACY'S  
PO BOX 183083  
COLUMBUS, OH 43218-3083

COSTCO WHOLESALE  
HSBC RETAIL SERVICES  
PO BOX 15521  
WILMINGTON, DE 19850-5521

SAM'S CLUB  
PO BOX 530942  
ATLANTA, GA 30353-0942

DEPARTAMENTO DE HACIENDA  
PO BOX 9024140  
OFICINA 424 B  
SAN JUAN, PR 00902-4140

SANTOS & NIEVES BLAS  
LCDO. LUIS ROBERTO SANTOS  
PO BOX 1809  
MAYAGUEZ, PR 00681

DEPARTAMENTO DEL TRABAJO  
AVE MUÑOZ RIVERA 505  
HATO REY, PR 00918

US SMALL BUSINESS  
ADMINISTRATION  
409 3RD ST, SW  
WASHINGTON, DC 20416

FEDERAL LITIGATION DEPT OF  
JUSTICE  
PO BOX 9020192  
SAN JUAN, PR 00902-0192